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ABSTRACT

Presented is a statement of policy and proposed action by the New York Regents dealing with the education of handicapped children. Stressed is the need for a functional system of advocacy which places responsibility for the education of handicapped children with the local school district and provides for review and supervision by the Commissioner of Education. To aid in the identification of handicapped children, definitions of the following conditions are given: trainable mentally retarded, educable mentally retarded, severely emotionally disturbed, hearing impaired, visually impaired, physically handicapped, speech impaired, neurologically impaired, and learning disabled. The roles of the state, the local school district, and parents in the proposed advocacy system are explained. Cooperative board and large cities are encouraged to provide programs which cannot be supported efficiently at the local level. Delineated are state education department responsibilities such as maintaining handicapped pupil registers. It is proposed that the state assume all costs in excess of average local costs on a per pupil basis. Recommended is legislation regarding legal responsibility for education of handicapped children, and construction of all new schools to conform to the requirements of children with handicapping conditions. Stressed is the need for coordinated planning and action by all levels and units of the educational system. (DB)

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THE EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

A Statement of Policy
and Proposed Action
by the
REGENTS OF THE
UNIVERSITY OF THE
STATE OF NEW YORK

THE STATE EDUCATION DEPARTMENT
ALBANY
NOVEMBER 1973

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FOREWORD

New York State is committed to providing equality of educational opportunity for every child. That commitment requires that education be provided for children with handicapping conditions. Many such children, however, are not being educated adequately or at all, despite diverse and varied public and nonpublic efforts. In some instances, divided State agency jurisdictions yield less than a unified approach to the education of these children.

The Fleischmann Commission estimated recently that more than 200,000 such children presently are not receiving any special services. Among the various factors contributing to this condition are: inadequate procedures for identification, screening, diagnosis and placement, lack of interagency coordination, and other shortcomings which prevent schools from educating large numbers of these children.

The Regents set forth in this paper their philosophy of education for children with handicapping conditions and call for appropriate courses of action. Central to their recommendations is a viable and functional system of advocacy which places responsibility for the education of these children in the local school district and provides for review and supervision under the Commissioner of Education. The State's responsibility is to insure that the interests of individual children with handicapping conditions are met, to insure that their rights to quality education are realized no matter where they are housed, and to insure that all such children are educated in compliance with the Regent's philosophy of education for children with handicapping conditions.

The Regents call for affirmation and swift implementation of the recommendations herein which are basic to the education of these children.

Ewald B. Nyquist

President of the University and
Commissioner of Education

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INTRODUCTION

The Fleischmann Commission urged recently that the State deal in a more effective and compassionate manner with children who have handicapping conditions. It was emphasized in the Commission's report that such children must be provided with substantially greater educational oppc tunity than now exists, that the State make a greater effort to identify the specific educational needs of these children, and that appropriate resources be allocated to meet these needs. The Commission reaffirmed that all children in the State should have an opportunity to learn the basic skills and competencies which will allow them to adjust to society regardless of home background, or of mental, emotional, or physical impairment.

Toward this end it is essential that New York State provide a comprehensive and unified system of special education resources, services, and programs for children with handicapping conditions and that adequate fiscal and legislative support be provided if a statewide plan for action is to be implemented. The educational progress of these children must not depend upon the place of birth or residence, the attitude of a community, or other considerations which prevent them from receiving equal treatment under the law. A statewide approach is necessary to combine the effectiveness of State law, State fiscal support, community agencies, and local school district responsibilities for the education of children with handicapping conditions.

PHILOSOPHY

The Regents strongly urge that the education of handicapped children requires a much more substantial commitment and investment by society than is now the case if they are to receive educational opportunities to which they are entitled. The Regents also believe that the primary and basic responsibility for such a program rests with the local school district, that it must be an integral part of public education, a: d that far more stringent means of monitoring the educational placement and progress of the children involved must be instituted if desired objectives are to be attained.

Without doubt, there are many children who are not receiving an education designed to recognize or alleviate conditions which may be termed as handicapping. While the Regents commend the State's system for providing for special needs of so many of its handicapped

children, they nevertheless share the deep concern of the Fleischmann Commission about the large numbers of children who are in need of additional special education programs. Some of these neglected children have been placed in public or nonpublic schools or institutions or training schools whether by actions of the courts, State agencies, and others, and some remain in their homes. Tragically, in many of these instances there is no advocate for such children, no person to stand "in loco parentis" to fill the void caused by the absence of parents and the support of a family unit.

The Regents recommend creation of an advocacy system capable of bringing all possible resources to bear on the problems of educating children with handicapping conditions no matter where they are housed. To be successful this advocacy system must have available a full gamut of appropriate educational resources. Such resources include an institutional system requiring a higher degree of individualization than that needed by children in regular school programs. Qualified staff to apply educational technology, methodology, and materials must be supported by instructional materials specialists, pupil services personnel, and others within the school. Community resources must be utilized to the fullest possible extent, and early intervention to preclude the possibilities of unfavorable or irreversible effects of early failure is an essential ingredient.

A succesful system of advocacy calls for strengthened cooperation among all agencies in the public and nonpublic sectors having responsibilities for the education, care and housing of these children. To be effective, it should provide for the education of children with handicapping conditions through cooperative arrangements agreeable to the Commissioner of Education and to those responsible for the supervision of other institutional programs at the State level. The present duplicative efforts and the often inadequate arrangements for special education deny equality of access to educational services to which all children are entitled. Interagency cooperation is particularly important in the case of children who are housed and cared for in State training schools and child-caring institutions. Clearly a coordinating agent is needed. If the Commissioner of Education were given the clear responsibility for the overall supervision of the program for the education of all children with handicapping conditions, he could facilitate more effective interagency cooperation.

The quality of many publicly operated or supported educational programs is related to the degree to which children with handicapping conditions are grouped or otherwise combined effectively with other children in the mainstream of our schools and society. These children

deserve opportunities to share educational experiences with children in regular classes, in groupings for physical education and music, in cafeteria and assembly, and in other ways and places throughout the everyday school program. Social exchange with other students in the school is vital to aid such children to establish and maintain healthy self-esteem. Opportunities for interaction with the total school environment should be accorded a very high priority in planning for handicapped children.

The ultimate goal is to have children with handicapping conditions become as self-sufficient as their handicaps permit. Although opportunities for achieving long life, personal liberty, happiness, and self-sufficiency are limited for some children, programs enabling them to acquire an education, cultural enrichment, personal fulfillment, and vocational success are of vital importance to society as well as to the individual. Such children require understanding, acceptance, and help from the schools to fit well into society. The State and its subdivisions have an obligation to educate these children so they can learn to cope with their own physical, mental, or emotional disabilities, as well as with the often limited and stereotyped perceptions of others.

WHO ARE CHILDREN WITH HANDICAPPING CONDITIONS

While authorities differ somewhat in their views of the definitions of children's handicapping conditions with which special education is concerned, the distinction between a handicapping condition and normalcy is generally clear. However, this distinction may at times be obscured by the wide range of developmental and maturational difficulties or disabilities related to learning, some of which are transitory and others of which are permanent.

Commissioner's Regulations, 184 (200.1), provide the following definitions:

(a) A " handicapped " child is one who, because of mental, and/or physical, and/or emotional reasons, is not benefiting or cannot be expected to benefit from regular classroom instruction, but who can benefit from special services and programs which include, but are not limited to, transportation; home teaching; special classes; special teachers; pupil personnel services; resource rooms or other special facilities; and/or those services, facilities, or programs which can be obtained through the payment of tuition to boards of cooperative educational services, vocational educational and extension boards, public school districts, or other State Education Department approved agencies.

(1) A " mental reason " means a condition which impairs or limits a child's intellectual functioning.

(2) A " physical reason " means a condition which incapacitates the child and includes orthopedic, visual, auditory, neurological, cardiac, and other medical conditions which result in inability to benefit from the regular educational programs for non-handicapped children; i.e. without some form(s) of special provision.

(3) An " emotional reason " means a condition of psychosocial origin leading to behavior which interferes with the child's ability to adjust to and benefit from existing regular class programs.

As a guide for action, the Regents identify the following general definitions of handicapping conditions:

"Trainable Mentally Retarded,"

refers to those individuals whose IQ falls within 25–50 range, are unable to profit from typical educational approaches, and usually possess self-care skills.

"Educable Mentally Retarded,"

refers to those individuals whose IQ falls within 51–75 range, are able to profit somewhat from education, and can be self-supporting.

"Severely Emotionally Disturbed,"

refers to those individuals with emotional problems severe enough to prevent them from making the necessary adjustments for effective functioning in the culture.

"Hearing Impaired,"

refers to those individuals who experience a loss of hearing, but have some hearing which is usable, or who are completely unable to hear, or who possess a serious deficiency in hearing dating from before the age at which the comprehension of speech is normally acquired.

"Visually Impaired,"

refers to those individuals who cannot read normal print and need to use large print and/or recorded materials, or who need to use Braille or recorded materials.

"Physically Handicapped,"

refers to those individuals who have a disruption of normal bodily functions due to some intervening pathological process other than mental.

"Speech Impaired,"

refers to those individuals who possess a disorder at the verbal level that interferes with communication, calls attention to itself, and causes its possessor to be maladjusted.

"Neurologically Impaired,"

refers to those individuals who have a disorder in one or more of the basic psychological processes involved in understanding or in using language spoken or written; the disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunctions, dyslexia, and developmental aphasia.

"Learning Disabled,"

refers to those individuals who experience a disorder in one or more of their abilities to comprehend spoken language, speak, read, write, perform tasks appropriate for a given chronological age or acquire and efficiently retain and utilize knowledge and skill necessary for functional participation in a regular school program with their peer group on a full-time basis.

In March 1971 a State Program Analysis Review Committee report indicated that in 1969–70 an unduplicated count of more than 283,000 children were served in educational programs for the handicapped. This count was broken down by category of handicap, by agency, and by program. Over 187,000 children with handicapping conditions were enrolled in local school districts and 23,233 in BOCES programs. Close to 32,000 students received instructional services under the auspices of Vocational Rehabilitation, local and BOCES sponsored occupational programs, State funded private and State operated public schools for the blind and for the deaf, the Human Resources School, the Readers Aid program and in private schools offering programs authorized by sections 4001, 4403 and 4407 of the Education Law. Additionally, nearly 42,000 pupils were served in educational programs for the handicapped which were operated by other State agencies: Mental Hygiene, Health, Correction, Social Services, Division for Youth and the State University.

AN ADVOCACY SYSTEM

The system of advocacy proposed here is designed to assure that children with handicapping conditions receive educational opportunity commensurate with their needs. The system would insure this oppor-

tunity at local school district, large city, cooperative board, regional and State levels. A successful system requires that educational provisions for each child with a handicapping condition be subject to close functional and operational overview by someone with sufficient administrative, supervisory, and fiscal authority to bring about constructive changes, where needed, in the educational program for that child, wherever he is cared for or housed. This paper proposes that the system of advocacy should be vested ultimately by statute in the Commissioner of Education, that local school districts, BOCES, and other State agencies have a proper role to play and that, wherever possible, parents represent the starting point.

The rights of parents to be involved in the education of their children are well established by tradition, statute, and common law. Participation by parents in the education of children with handicapping conditions is especially critical, since it enables parents to help overcome the adverse environmental and psychological factors which often confront the child and his family. It is desirable that educational planning for these children include provisions for the direct involvement of parents not only as advocates for their own children but at appropriate levels in the advocacy system. Thus, parent representation, as well as that of laymen and professionals is needed on committees concerned with the education of the handicapped.

The education of all children including those with handicapping conditions is initially and fundamentally a responsibility of the local school district. To implement this responsibility the Regulations of the Commissioner of Education require that the local school district appoint a local committee on the handicapped with a charge to insure that necessary procedures for the identification, diagnosis, placement and annual review of the status and progress of every such child in the district are carried out. The work of this committee is focused primarily on assuring individual pupil programming, including a consideration of all diagnostic input, plus available and potential special education resources and facilities. The committee should be satisfied that the collection and maintenance of pertinent records and the coordination and improvement of educational services for these children are properly conducted in each district.

The Regents view the local district committee on the handicapped as the general and sometimes specific advocate of the handicapped child. The school district is expected to handle operational details while the committee will be expected to address specific concerns and to furnish recommendations to the local board of education. The committee stands as an important advisory group and general child advocate for each school community.

In those cases in which parents or interested agencies disagree with determinations of the local committee, the superintendent or the board of education, an appeal of such a determination may be directed to the Commissioner of Education.

Larger school districts, including New York City community school districts, may find it necessary to appoint more than one committee on the handicapped. Membership on these committees must include, but is not limited to, a physician, school psychologist, school social worker, teacher of children with handicapping conditions, administrator of special education, and parents. In addition, membership should be representative of the community being served.

When a child with a handicapping condition is placed in an educational program outside of his local school district, it is necessary for the receiving facility or agency responsible for his education to file periodic progress reports for that child with the chief school administrator of the child's home school district. The responsibility for preparing such reports applies to any facility or agency to which the child may be sent, including a cooperative board, private school, nonpublic school, State operated school, a school receiving State funds, or a program operated by another state or community agency. The chief school administrator of the home school district would then provide the school district's committee on the handicapped with summary data for review and recommendation.

The local school district has the responsibility to provide adequate pupil services for early diagnosis, prescription, and other educational functions for handicapped children as soon as there is an awareness of handicapping conditions.

In order to assure early attention, the local school district should have direct contact with health service offices and institutions where the first detection of handicapping conditions can most easily occur. Physicians, persons and agencies concerned with children, as well as parents, should be fully acquainted with referral procedures so that guidance and counseling of parents will begin as early as possible along with early planning for the child.

To facilitate early detection of handicapping conditions, it is imperative that a system for collecting and maintaining medical information be developed. It seems reasonable to require that every preschool-age child receive regular medical examinations, either by private physician or public clinic, and that parents or guardians be provided a cumulative child health record through this process. At the same time, examining physicians would report handicapping conditions as discovered at birth or subsequent examinations to health service authorities, thus establishing a child record which can be utilized as a basis

for referral to school district authorities for early positive intervention. School districts would then use this information for further analysis and development of programs by diagnostic-prescriptive professionals or teams as may be needed for this purpose. It is recommended that such teams be comprised minimally of a physician, psychologist, psychiatrist, school social worker and a teacher of children with handicapping conditions.

To alleviate the effects of adverse societal pressures and to promote the growth of wholesome personalities among the handicapped, it is necessary for local school districts to intensify and broaden instructional program options. Wherever possible, it is desirable that such children be educated within the same facility as children who do not have handicapping conditions. For example, an educable mentally retarded child might be assigned to the fourth grade of his neighborhood school, and hence be retained in the mainstream of education because appropriate provisions were made for the child. These provisions might include an itinerant teacher, resource room paraprofessionals, inservice training for the regular teacher, or a supportive special education instructional materials center for pupil services. These services may be contracted from cooperative boards, private agencies or provided locally in larger school districts.

It should be understood that successful mainstreaming will require extensive preparation and supportive services. For example, a preschool program for handicapped children ages 3–5, which would train them in self-help skills and develop self-confidence, will go far to enable such children to take their places with normal children in a normal setting. Changes in teacher training will be essential to successful implementation of this approach.

COOPERATIVE BOARDS AND LARGE CITIES

Cooperative boards have a special role in providing services which cannot be furnished by the local school district. These services may be provided by a single cooperative board or by contract between two or more cooperative boards. However, the local school district remains responsible for the child's education regardless of where he is served. Regulations of the Commissioner of Education provide guidelines for cooperative board committees to serve combinations of local districts in which it is not possible or feasible to develop local district committees on the handicapped.

1. It is necessary that cooperative boards and large cities establish those desirable broad-based programs which cannot be supported efficiently at the local level, and develop procedures to maximize the use of resources on a regional basis. Certain chil-

dren with severe handicapping conditions such as the trainable mentally retarded, multiply handicapped, and the severely emotionally disturbed or learning disabled children will be educated in cooperative board programs. Additionally, an educable mentally retarded child might receive vocational training in a cooperative board program. When it appears to be desirable for local school districts to maintain children with handicapping conditions in local programs, cooperative boards will frequently provide the necessary support systems.

2. District superintendents and superintendents of large cities are expected to provide the leadership for the creation and operation of inter-agency advisory committees for the geographical area of the State which they serve. The coordination of agencies with specific resources available for such handicapped children is considered to be critical to the success of assisting children placed in their care.

STATE EDUCATION DEPARTMENT

The State Education Department assumes responsibility for planning the overall structure of educational services for children with handicapping conditions by setting standards for curriculum, professional development and licensing, supervision, pupil services, parent participation, buildings, and fiscal control in order that every such child will receive the services he needs regardless of his geographical location, economical circumstances, or the degree of his handicapping conditions. The Commissioner will also take the initiative to further the education of these children below the legal entrance age and of adults beyond regular school attendance age.

The Commissioner of Education will review all appeals regarding the educational placement of handicapped children and will exercise whatever authority is needed to resolve the conflict. Further, the Commissioner should be given the responsibility for insuring the education of handicapped children in other State or nonpublic schools and institutions. To facilitate this work the aforementioned interagency advisory committees for the handicapped, established in each region, will coordinate State services for the handicapped children involved.

The following list of responsibilities describes activities of the Education Department within the total system for the education of children with handicapping conditions:

1. Promote the identification and screening for handicapping conditions by county and city health offices and by all the schools in each region, both public and nonpublic as appropriate.
2. Ensure the development and maintenance of handicapped pupil registers within each region.

3. Promote the establishment of multi-disciplinary diagnostic and prescriptive teams and support services as needed by local boards, BOCES, and in the cities of New York, Buffalo, Rochester, Yonkers and Syracuse.
4. Review the adequacy and comprehensiveness of all programs of special education in each region.
5. Ensure the appointment and proper functioning of committees on the handicapped as required by the Commissioner of Education.
6. Review referred individual exceptions to the principle of home district location to determine whether all reasonable effort has been made to provide special educational resources or placement in the home district and direct such action as may be necessary.
7. Determine the amounts to be approved for State funding in situations where a child with a handicapping condition is educated other than by his home school district.
8. Promote interagency cooperation at the regional level, including planning for coordinated utilization of resources available to State, cooperative board, large city, local school district, and nonpublic units which are concerned with general, special, occupational, rehabilitative, and other education services.
9. Make recommendations for the coordinated utilization of Federal, State, local and other funds available for the education and development of the handicapped, regardless of age.
10. Serve as an appeal agent for parents of children with handicapping conditions in the event such parents dispute the resources, allocations, or placement decisions of local school districts or cooperative boards.

The State Education Department will administer financial provisions for pupil and teacher support systems on a State, regional or local basis, as necessary. The Department will also serve as a disseminator of information on teaching practices and instructional materials for programs involving these children, and will give encouragement to public school districts, cooperative boards, State operated and State supported schools, and nonpublic, nonprofit special schools for innovative research and demonstration programs in special education. The Department will encourage the employment of teachers and other staff members with handicapping conditions for such teachers serve as an example and an inspiration to all children and adults. Finally, all programs operated or supported by the Department must be evaluated periodically, and reports of these evaluations shall be submitted to the Commissioner of Education for his information and reports to the Board of Regents.

The State Education Department will prepare a State action plan to include all of its responsibilities and objectives for the education of

children with handicapping conditions throughout the State. This plan will state one-year and five-year projections of activities to accomplish the Regents recommendations with indications of responsible levels, agencies, units or people designated for each objective or task, and an estimated time frame for the successful accomplishment of the objective or task. This statewide action plan for the education of children with handicapping conditions will be revised annually in light of input from the local school district, cooperative board and regional action plans that will be submitted to the Department from throughout the State.

FISCAL

To carry out the recommendations of the Regents, adequate financial resources are needed by the State's system of education. It is proposed that handicapped children, educated locally, be weighted at 2.0 for State aid purposes. It is further proposed that local districts participate to the extent of the average expenditures applicable to all district students and that the State assume all excess costs for the education of children with handicapping conditions who are not educated locally. This would guarantee that local school districts, cooperative boards, and other parts of the system would be able to provide adequate and appropriate programs for such children. The overriding tenet will be to ensure that there be no difference in cost to the local school district wherever such a child has been placed in the State's system of education. To accomplish this, each local school district would be required to pay toward the education of a child with a handicapping condition an amount of money equal to the local contribution that the school district spends from its local resources for the education of each child in the local school district. To effect such a system, the Regents propose legislation as follows:

1. When a handicapped child meeting a legal definition is educated in the local school district in a program approved by the Commissioner of Education that child should be weighted at 2.0 for State aid purposes. There is substantial evidence from State and national studies that the cost of educating a child with special needs is on the average at least twice that of the education of other children.
2. When a child with a handicapping condition is placed outside the local school district for educational purposes, the district would be required to pay its local contribution as mentioned above. By this principle, the local school district continues to contribute to the education of such a child on a basis equal to its contribution to the education of other children from local funds, and maintains its basic responsibility to the child. If a

child attends a cooperative board class, the excess cost of educating such a child would be reimbursed to the cooperative board upon the prior approval of expenses to be incurred. Such a system will guarantee that cooperative board programs operate at minimum levels of enrollment while insuring protection against excessive expenditures.

3. Similarly, when a child is placed in a State supported or State operated school, or a school approved by the Commissioner of Education for funding under Section 4407 of the Education Law, the local school district shall contribute the amount applicable to general students in the district. Since the budgets of the State operated or State supported schools are presently approved by the Commissioner of Education as well as by the budget office of the executive branch of the State government, fiscal responsibility and accountability are currently insured. When a child attends a school approved by the Commissioner of Education for funding under Section 4407, the amount of State reimbursement to the parents for payment to the schools shall be determined by the Commissioner of Education.
4. When children are to be educated in schools operated by other State or community agencies including the State Departments of Health, Mental Hygiene, Social Services and the Division of Youth, the local school district shall pay to such institution an amount of money from its local funds as described above. Excess costs for such education shall be paid to the appropriate agency by the State upon the approval of the Commissioner of Education.
5. It is recommended that the costs of post-identification screening, diagnosis, prescription and monitoring will be eligible for reimbursement as excess costs for educational purposes. Efficient and effective use of all resources will require some reallocation by local and State Departments of Health, Mental Health, Social Services, and other agencies of personnel and other resources to accomplish the purposes of the local State program. Such resources include the services of physicians, psychiatrists, social workers, health specialists, research workers and others who are presently providing peripheral supporting services for children with handicapping conditions. The allocation of these resources will require the involvement of the inter-agency advisory committees mentioned earlier.
6. There is overwhelming evidence to indicate that early intervention in the life of a child with a handicapping condition is correlated positively with the success of such intervention. To insure such success the Regents recommend that the State assume full responsibility for the costs of educational programs for all handicapped children below the legal entrance age.
7. More extensive research and development programs are needed, particularly if more is to be known about the effectiveness of various approaches to the integration of children with

handicapping conditions with other children. While there are some federally funded programs related to research on mainstreaming, there is a desperate need to combine such efforts with research on peer attitudes, teacher attitudes and those other factors which affect pupil achievement. The effectiveness of education for such children needs to be studied in relation to the role of the special educator, paraprofessional, school administrator, parents, pupil services workers, agency professionals, and the child's peers. Experimental models of programs designed to instruct others regarding the problems of institutionalized children so such children can be returned to and integrated within their home community are needed. To promote better programs the State Education Department needs the capability to sponsor research efforts to study the integration of children with differing types or degrees of handicapping conditions, for study of mainstreaming models, such as use of resource rooms and itinerant teachers, and for cost effectiveness studies. As diagnostic techniques become more effective and such services are targeted to early detection, research will also be needed to develop effective models of preschool and early childhood intervention.

The Regents propose that the State Education Department be allocated 0.1% of the amount of State support for the education of children with handicapping conditions to support approved research and development programs.

8. The Special Education Instruction Materials Centers (SEIMC) system in New York State is a system which has great potential to provide support services to every area of the State, but the State needs to provide further fiscal support for the expansion of this network of centers. This expansion would provide many benefits to teachers such as computer-based resource units (a promising application of computer technology) as an aid to teachers in their planning of classroom management for individualizing instruction of children with handicapping conditions.
9. The State Education Department will require additional financial resources in order to assist the Commissioner in the execution of the new demands to be placed upon his office by this position statement and plan for action. Effective supervision of the advocacy system; the additional financing for programs, research, support systems; and the necessary regulations are several of these additional responsibilities.
10. The present provisions for transportation of children who are handicapped must be carefully studied and necessary changes in legislation and regulations made accordingly. The present limitations on transportation for the handicapped are discriminatory.
11. The Regents recognize that the implementation of its recommendations will require local school districts to evaluate their present educational facilities in preparation for the operation

of programs to educate many children with handicapping conditions not presently in the local districts.

The Regents call for a careful study of these problems at the local level with the assistance of appropriate Department staff so that recommendations for changes in statute and Commissioner's Regulations may be prepared for action.

LEGISLATIVE

Present laws and regulations do not provide the Commissioner of Education the framework within which to provide equality of educational opportunity for all children with handicapping conditions. A primary problem is that the education of children served by various State agencies is currently the responsibility of the heads of those various agencies. This fragmented effort produces a multiplicity of programs of various qualities as well as inefficiency in the use of funds for these purposes. Inequalities in educational services are a built-in result of an uncoordinated and multi-headed application of efforts toward a single specialized objective — the education of children with handicapping conditions. Clearly a coordinating agent is needed to insure quality programs, and the Regents believe that the Commissioner of Education is the logical choice. To eliminate the fragmented responsibilities of the various State agencies, a legislative plan should be devised during the 1974 legislative session which provides for such leadership and increased efficiency in the use of funds for these purposes.

The Regents propose a consolidation of the legal responsibilities for the education of all children under the Commissioner of Education. To fulfill that role the Commissioner needs to have clear statutory responsibility and fiscal support for a system of advocacy and an educational program for all New York State children with handicapping conditions who can benefit from education, irrespective of where they are located, housed, or cared for, and regardless of what other services are provided by other agencies. Present laws contradictory to this point of view need to be amended or repealed during the 1974 legislative session to eliminate statutory inconsistencies. All publicly funded programs of education for these children should be placed under the legal jurisdiction of the Commissioner of Education regardless of which state or other governmental agency has accountability for the child for other purposes. Such legislation would provide coordination through establishment of an interagency advisory committee comprising representatives of all appropriate agencies, including the State Departments of Health, Mental Hygiene, Social Services, Board of Social Welfare, the Division of Youth, and the State Education Department.

Under the present law, a local school district can deny a child the benefit of a special educational program. There is a need for a firm provision requiring the inclusion of children with handicapping conditions in regular classes or in other mainstream educational activities where appropriate.

The legislative plan should assure the right of a child to attend a publicly supported educational program regardless of which agency provides housing, child caring or other services. Local school districts will be expected to provide an education for each child who is able to benefit from it; to contract with another school district, nonprofit agency, or cooperative board for this purpose when appropriate; or to use a State supported or State operated program. Provisions for preschool services for census taking, screening, and diagnosis of children with handicapping conditions would be included, as well as measures for the education of parents to assist them in recognizing signs of handicapping conditions and encouraging them to seek diagnostic services. An essential part of this effort is the institution of a comprehensive statewide program of basic screening measures for visual, auditory, motor, perceptual, cognitive, language and speech dysfunction to be instituted under the authority of the Commissioners of Education, Health, Mental Hygiene, and Social Services for both school age and preschool children in order to locate and identify children with handicapping conditions.

Legislation requiring that all new schools in New York State be constructed in such a manner so as to conform to the special instructional requirements of children with handicapping conditions, and with a view to assisting such children to be educated in the mainstream of the regular school environment is necessary. It is also essential that training programs for teachers, school administrators, pupil services workers, paraprofessional aides and all others who work with children include suitable emphasis on the identifying characteristics and education of children with handicapping conditions, and that such training emphasis be continued in inservice education as well.

A CALL FOR ACTION

To accomplish all of the foregoing, the Regents call for the development of coordinated planning and action by all levels and units within the educational system of New York State. Such a cooperative effort would make possible the design of programs and systems that would enable all children with handicapping conditions to realize their optimal capabilities. Toward this end, an ongoing organizational and management process needs to be established at all levels

for the continuous operation and coordination of plans to accomplish these ends, and the foregoing Regents recommendations are expected to become the focus for planning by school districts, cooperative boards, nonpublic agencies, and the Education Department.

In the year ahead, the Regents expect that instructional management information systems will be established on a local, regional and State basis to provide for periodic needs assessment studies so that appropriate educational planning can occur. These systems will provide for program evaluation reviews and pupil assessment studies. As part of this effort, the State Education Department will conduct an annual review of the programs of all public and private institutions receiving State aid for the education of children with handicapping conditions, including their budgets, expenditures, cost per pupil, tuition and overall financial structure. To make this review effective, appropriate authority to approve or require changes which are deemed necessary and desirable is a prerequisite.

The substantive direction of all these efforts is to provide a dynamic educational systems approach to effective educational practices which will provide all children of the State with an opportunity to realize the full potential of their inherent capabilities. The success of this effort will require the immediate, long-range and continuing commitment and support of citizens, professionals and civic leaders from our full State community.

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